




MAYOR ALAN AUTRY

MEMORANDUM

TO: Henry T. Perea, Council President
Blong Xiong, Councilmember
Brian Calhoun, Councilmember
Cynthia Sterling, Councilmember
Larry Westerlund, Councilmember
Mike Dages, Councilmember
Jerry Duncan, Councilmember

FROM: Mayor Alan Autry 

DATE: March 16, 2007

SUBJECT: Resolution opposing immigration raids conducted by the United States Government

In my State of the City Address in 2005, I identified illegal immigration as a local crisis. I described the border policy of our Nation as a complete and total failure of the Federal government with most of its deleterious consequences falling squarely on the shoulders of local government. From overcrowded jails to swamped emergency rooms to overburdened social services this Federal fiasco had been ignored for so long that many of the fundamental institutions essential to the well-being of our society were close to collapse unless action was taken immediately. I stand by those statements today.

I also stated, just as strongly, that I would not be a party in demonizing the good hardworking people who simply came here looking for a better life, helped build a strong America and came here under an immigration policy that not only encouraged, but rewarded with impunity the illegal crossing of the U.S. border. I also stand firmly by these statements today as well.

In writing that address, I was convinced that this issue was going to be a defining issue of our time and the day of reckoning was at hand.

At that time, I proposed a two year moratorium on all immigration in order to ensure that this critical and complicated issue, decades in the making, would receive the adequate time and focus necessary to achieve real and lasting reform.

Without this moratorium, it was my fear that politics and emotion, rather than purity of purpose and common sense would drive the reform process. Unfortunately and tragically, my worst fears have been realized. Now, the only thing equal to the "chaos and madness" masquerading as immigration law is the chaos and madness masquerading as reform.

The failure of the Federal government to pursue practical, comprehensive and common sense immigration reform has given birth to a politically driven hodgepodge of arbitrary raids that has not only been unsuccessful in its strategy, but unconstitutional in its application as well.

The latest victim of this deeply flawed policy is our neighbor to the west, the town of Mendota. A 5:00 a.m. raid by Federal agents on farm workers heading for the fields has resulted in a human tragedy that is mind-boggling in its callousness and in its total disregard for the obvious violation of the equal protection clause of the United States Constitution. Why not a raid on hotel workers in L.A.? A construction site in the Bay Area? The business owner who employed the worker? Why Mendota and why the farming industry?

It is my sincere hope that you as a Council will see as I do that the selective enforcement of the law in Mendota is an unequal application of Federal laws that has had a devastating effect on the people of Mendota that is felt throughout all of Fresno County. That today Mendota, tomorrow Fresno, is not only a possibility, but a probability if we do not condemn this action immediately.

Make no mistake, I believe passionately that we are a nation of laws and those laws must be respected and enforced. But if we turn a blind eye to what has happened in Mendota, and if we don't insist that the laws be applied equally, we will be guilty of tacitly supporting lawlessness in the name of the law. To support a secure border, which I do, and to oppose this illegal abuse of power, which I do, are not two opposing positions.

Therefore, I am asking you, the Council, to pass the resolution I have put forth condemning the immigration raids in Mendota and asking the Federal government to suspend future raids of this kind in Fresno County until all "unequal protection" concerns have been adequately addressed.

RESOLUTION NO.

A RESOLUTION OF THE COUNCIL OF THE CITY OF
FRESNO, CALIFORNIA, OPPOSING IMMIGRATION RAIDS
CONDUCTED BY THE UNITED STATES GOVERNMENT AND
DIRECTING THE CITY ATTORNEY TO EXAMINE ALL
LEGAL OPTIONS AND TO PURSUE FILING OF A LAW SUIT
TO INCLUDE ANY AND ALL VIABLE CAUSES OF ACTION
RELATED TO THE IMMIGRATION RAIDS IN MENDOTA,
CALIFORNIA.

WHEREAS, the United States Government has recently been conducting raids in the homes of Mendota, California, area residents for the purpose of deporting undocumented foreign nationals; and

WHEREAS, these raids have resulted in as many as 200 area families being split apart, having a devastating effect upon those families, including many minor children who are citizens of the United States; and

WHEREAS, these raids also have a devastating effect upon the agricultural-based Mendota area economy, as they have removed productive workers, intimidated hundreds or thousands more, and have instilled fear in many thousands of area residents; and

WHEREAS, these raids threaten, in a similar way, the residents and agricultural-based economy of the City of Fresno and San Joaquin Valley cities; and

WHEREAS, these raids have been conducted in a manner that violates the civil rights of area residents guaranteed by the United States Constitution by their unequal application, heavy-handed tactics, and lack of sensitivity to unique local needs and concerns; and

WHEREAS, it is fully understood that this is a Nation of laws and that immigration laws are necessary, but such laws must be applied and enforced in a manner consistent with civil, familial, and related rights of all affected individuals.

NOW, THEREFORE, BE IT RESOLVED by the Mayor and Council of the City of Fresno that the Mayor and Council disapprove and condemn the unlawful enforcement actions of the Government of the United States in conducting raids in and around the Mendota and Fresno County area for the purpose of deportation of undocumented foreign nationals residing and working in the area; and

BE IT FURTHER RESOLVED by Council of the City of Fresno that the City Attorney is directed to examine all legal options and to pursue filing of a law suit to include any and all causes of action related to the immigration raids in Mendota, California.

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____, 2007.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2007

Mayor Approval/No Return: _____, 2007

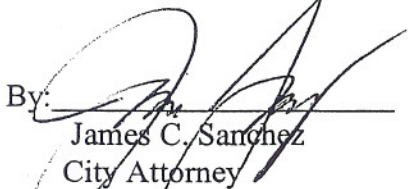
Mayor Veto: _____, 2007

Council Override Vote: _____, 2007

REBECCA E. KLISCH
City Clerk

By: _____
Deputy

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

By: 
James C. Sanchez
City Attorney

DTS:cs[40452cs/RESO]3/16/07